

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CIVIL CASE NO. 5:22-cv-00098-MR**

SHELBY LENTZ,)	
)	
Plaintiff,)	
)	
vs.)	
)	
RONNIE HUNEYCUTT, et al.,)	<u>ORDER</u>
)	
Defendants.)	
_____)	

THIS MATTER is before the Court on Plaintiff's pro se Motion to Voluntarily Dismiss Without Prejudice [Doc. 27].

The pro se incarcerated Plaintiff brought this action pursuant to 42 U.S.C. § 1983 and the Religious Land Use and Institutionalized Persons Act (RLUIPA) because he is allegedly being deprived of congregational prayer, which is necessary for his religion, at the Alexander Correctional Institution. The Complaint passed initial review against Defendants Ronnie Huneycutt, Eric T. Dye, and Todd Ishee. [See Docs. 1, 9]. The Defendants were served and filed an Answer, and the Court entered a pretrial scheduling order. [See Docs. 14, 18, 23, 25].

On March 25, 2023, the Plaintiff filed the instant Motion to Voluntarily Dismiss this action without prejudice. [Doc. 27]. He states that he is now

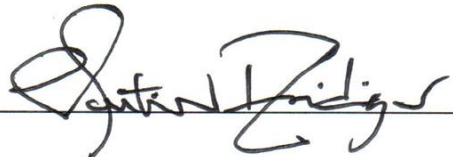
being allowed the religious services that are necessary to his faith, and that the matters addressed in his Complaint are thus moot. He seeks to dismiss this action so as not to further burden counsel or the Court. The Defendants have not responded to the Motion, and the time to do so has expired.

Rule 41(a)(2) provides that “an action may be dismissed at the plaintiff’s request only by court order, on terms that the court considers proper....” Fed. R. Civ. P. 41(a)(2). The Plaintiff’s Motion will be granted pursuant to Rule 41(a)(2) without prejudice. The Clerk of Court will be instructed to terminate and close this action.

IT IS THEREFORE ORDERED that Plaintiff’s pro se Motion to Voluntarily Dismiss Without Prejudice [Doc. 27] is **GRANTED**.

IT IS FURTHER ORDERED that the Clerk is instructed to terminate and close this action.

IT IS SO ORDERED Signed: April 21, 2023



Martin Reidinger
Chief United States District Judge

